

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1302**

**Introduced by Assembly Member Simitian**

February 21, 2003

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An act to add Section 1808.11 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1302, as amended, Simitian. Vehicles: traffic violations: confidentiality.

Existing law authorizes a court to order a person to attend traffic violator school or any other court-supervised program of traffic safety instruction in lieu of adjudicating certain violations of the Vehicle Code. The record of the Department of Motor Vehicles relating to the dismissal of a violation under these circumstances is confidential.

This bill would require the department to keep confidential all information regarding a conviction of an offense in a state, territory, or possession of the United States, or the District of Columbia, the Commonwealth of Puerto Rico, or the Dominion of Canada that, if committed in this state, would be a violation of the Vehicle Code, if the person provides proof of *successful* completion of *a course of instruction* at a licensed traffic violator school that is satisfactory to the department, *or a court-supervised program of traffic safety instruction*, and (1) has not, within 18 months, attended *a* traffic violator school or ~~any other~~ *a* court-supervised program of traffic safety instruction in lieu of adjudication of a violation of the code or of an out-of-state provision that, if committed in this state, would be a violation of the code, *other*

*than for the violation for which the applicant is seeking confidentiality;* (2) does not apply for confidentiality for certain, listed crimes; and (3) applies to the department for confidentiality under these provisions and pays a specified fee.

The bill would require the department to charge a person requesting confidentiality under these provisions a fee in an amount determined by the department to be sufficient to cover its costs in administering these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1808.11 is added to the Vehicle Code,  
2 to read:

3 1808.11. (a) The department shall keep confidential all  
4 information regarding a conviction of an offense in a state,  
5 territory, or possession of the United States, or the District of  
6 Columbia, the Commonwealth of Puerto Rico, or the Dominion of  
7 Canada that, if committed in this state, would be a violation of this  
8 code, if the person provides proof of *successful* completion of *a*  
9 *course of instruction at a traffic violator school licensed under*  
10 *Chapter 1.5 (commencing with Section 11200) of Division 5 that*  
11 *is satisfactory to the department, or a court-supervised program*  
12 *of traffic safety instruction, and meets all of the following*  
13 *conditions:*

14 (1) Within 18 months, has not attended *a* traffic violator school  
15 ~~or any other~~ *a* court-supervised program of traffic safety  
16 instruction in lieu of adjudication of a violation of this code, *other*  
17 *than for the violation for which the applicant is seeking*  
18 *confidentiality.*

19 (2) Within 18 months, has not attended *a* traffic violator school  
20 ~~or any other~~ *a* court-supervised program of traffic safety  
21 instruction in lieu of adjudication of an offense committed in any  
22 state, territory, or possession of the United States, or the District  
23 of Columbia, the Commonwealth of Puerto Rico, or the Dominion  
24 of Canada that, if committed in this state, would be a violation of  
25 this code, *other than for the violation for which the applicant is*  
26 *seeking confidentiality.*

1 (3) Does not apply for confidentiality for any of the following  
2 crimes:

3 (A) Manslaughter or negligent homicide resulting from the  
4 operation of a motor vehicle.

5 (B) An offense that would be a violation of Section 23103, as  
6 specified in Section 23103.5, or of Section 23140, 23152, or  
7 23153, or of Section 191.5 of, or of paragraph (3) of subdivision  
8 (c) of Section 192 of the Penal Code, if committed in this state.

9 (C) A felony in the commission of which a motor vehicle was  
10 used.

11 (D) Failure to stop and render aid at the scene of a traffic  
12 accident for which the person was liable, if the accident resulted  
13 in the death of, or bodily injury to, another person.

14 (4) Applies to the department for confidentiality under this  
15 section and pays the fee imposed under subdivision (b).

16 (b) The department shall charge a person requesting  
17 confidentiality under this section a fee in an amount determined by  
18 the department to be sufficient to cover its costs in administering  
19 this section.

